



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,010	10/06/2000	William W. Smith III	PSTM0002/MRK	9819

29524 7590 02/05/2007  
KHORSANDI PATENT LAW GROUP, A.L.C.  
140 S. LAKE., SUITE 312  
PASADENA, CA 91101-4710

EXAMINER
----------

PLUCINSKI, JAMISUE A

ART UNIT	PAPER NUMBER
----------	--------------

3629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/684,010	SMITH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jamisue A. Plucinski	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,7,9,10,31 and 41-43 is/are pending in the application.
- 4a) Of the above claim(s) 41-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,9,10 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 3, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls et al. (5,631,827) in view of Byford (6,220,509).

4. With respect to Claims 1 and 6: Nicholls discloses the use of a centralized computer system for the management of shipping (see abstract), comprising:

- a. A plurality of functionally aligned server computer devices, which are programmed to perform a specific function (See figures 2 and 6).
- b. A first server computer device which is adapted for communicating access of the user (Supervisory Server, Figure 6 with corresponding detailed description); and

Art Unit: 3629

- c. A second server used for rating parcels (Rate Server, Figure 6).
5. Nicholls discloses the use of multiple servers performing specific functions (See Figure 2) but fails to disclose the use of a server used for tracking. Byford discloses the use of a parcel trace system, with a tracking server, which communicates with carrier servers to store tracking information and display to the user (See abstract, Column 2, lines 35-62). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Nichols with the tracking server and carrier server, as disclosed by Byford, in order to provide a tracking service to a user, for the user to know where the parcel is through the delivery process. (See Byford, Columns 1 and 2)
6. With respect to Claim 3: See Nicholls, Document Server.
7. With respect to Claim 4: See Nicholls, Figures 4A, 4B.
8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls and Byford, as disclosed above for Claim 1, and further in view of Kara et al. (6,233,568) and Thiel (5,699,258).
9. Nichols discloses a multiple carrier system that calculates rates for carriers with specific parameters such as a notification of delivery, however Nicholls discloses the automatic selection of a carrier and fails to disclose simultaneously displaying the rates of the carriers to the user. Kara discloses a computer program used for multiple shippers that simultaneously displays that calculate shipping rates of multiple carriers for multiple services (See Figure 8, column 22, lines 20-38). It would have been obvious to one having ordinary skill in the art at the time the

Art Unit: 3629

invention was made to have the shipping rates of Nicholls be displayed to the user as disclosed by Kara, in order to present the user with information from which to make an informed choice as to a particular shipping service provider by which to ship a particular item. (See Kara, column 22)

10. Nicholls and Kara, disclose the use of calculating and displaying rates for specific services, for multiple carriers, but fails to disclose the simultaneous display of the rates for each carrier for each service. Thiel discloses the use of a system for calculating rates for multiple carriers for multiple services (see abstract), and discloses a simultaneous display of rates for each carrier, that includes rates for different services (Column 11, lines 1-13). Thiel discloses displaying rates for the preferred carrier, but also discloses displaying the rates for second and third choices as well (Column 11, lines 46-54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Nicholls, Byford and Kara, to simultaneously display the rates of each carrier for each service, in order to allow the customer to come to his/her own conclusion and choice of carriers. (See column 11).

11. Claims 7, 9 and 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls in view of Kara et al. (6,233,568).

12. With respect to Claims 7, 9 and 31: Nicholls discloses the use of a centralized computer system and method for the management of shipping (see abstract), comprising:

- d. A plurality of functionally aligned server computer devices, which are programmed to perform a specific function (See figures 2 and 6).

Art Unit: 3629

e. A first server computer device which is adapted for communicating access of the user (Supervisory Server, Figure 6 with corresponding detailed description) and accepting parcel information, See Figures 4A and 4B).

f. A second server used for rating parcels for multiple carriers for multiple services (Rate Server, Figures 2 and 6).

13. Nichols discloses a multiple carrier system that calculates rates for carriers with specific parameters such as a notification of delivery, however Nicholls discloses the automatic selection of a carrier and fails to disclose simultaneously displaying the rates of the carriers to the user.

Kara discloses a computer program used for multiple shippers that simultaneously displays that calculate shipping rates of multiple carriers for multiple services (See Figure 8, column 22, lines 20-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the shipping rates of Nicholls be displayed to the user as disclosed by Kara, in order to present the user with information from which to make an informed choice as to a particular shipping service provider by which to ship a particular item. (See Kara, column 22)

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls and Kara as applied to claim 9 above, and further in view of Byford (6,220,509).

15. Nicholls discloses the use of multiple servers performing specific functions (See Figure 2) but fails to disclose the use of a server used for tracking. Byford discloses the use of a parcel trace system, with a tracking server, which communicates with carrier servers to store tracking information and display to the user (See abstract, Column 2, lines 35-62). It would have been

Art Unit: 3629

obvious to one having ordinary skill in the art at the time the invention was made, to modify Nichols with the tracking server and carrier server, as disclosed by Byford, in order to provide a tracking service to a user, for the user to know where the parcel is through the delivery process. (See Byford, Columns 1 and 2)

### ***Response to Arguments***

16. Applicant's arguments with respect to claims 1-31 have been considered and are considered persuasive; the examiner has modified the rejection to correct the error of using Robbins reference, which in an improper reference due to its date.

17. Due to the multiple errors with using an improper reference, the examiner has withdrawn the finality of the rejection, and the present office action is considered non-final.

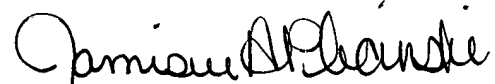
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Plucinski whose telephone number is (571) 272-6811. The examiner can normally be reached on M-Th (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jamisue Plucinski  
Patent Examiner  
Art Unit 3629